

United States Court of Appeals for the Tenth Circuit

OFFICE OF THE CLERK

Byron White United States Courthouse

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Denver, Colorado 80257

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Elisabeth A. Shumaker
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Chief Deputy Clerk

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 31 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

August 9, 2006

NOTIFICATION OF MAILING

Re: 06-4077, McReynolds v. Wynn
Dist/Ag docket: 2:05-CV-122-DAK

A COPY OF THE ATTACHED ORDER HAS BEEN PLACED IN THE UNITED STATES MAIL
THIS DATE, ADDRESSED AS FOLLOWS:

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Honorable Dale A. Kimball
District Judge
U.S. District Court for the District of Utah
350 S. Main Street
Room 222
Salt Lake City, UT 84101-2180

Mr. Markus B. Zimmer
Clerk

United States District Court for the District of Utah
350 South Main Street
Room 204
Salt Lake City, UT 84101



DEPUTY CLERK

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

A. MCREYNOLDS,

Plaintiff - Appellant,

v.

KENNETH F. WYNN, Director, Utah
Department of Alcoholic Beverage
Control; LARRY V. LUNT, Chairman;
TED D. LEWIS, Vice Chairman;
NICHOLAS E. HALES; FRANK W.
BUDD; MARY ANN MANTES,
Members, Utah Alcoholic Beverage
Control Commission; KEVIN HANSEN,

Defendants - Appellees.

No. 06-4077
(D.C. No. 2:05-CV-122-DAK)

ORDER

Filed August 9, 2006

Briefing on the merits is **TOLLED** pending further written order of this court.
See 10th Cir. R. 27.2(C).

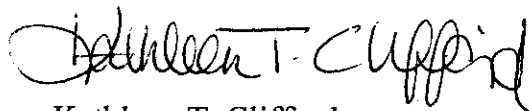
The district court's February 23, 2006 Memorandum Decision and Order appealed by Plaintiff is not a final or immediately appealable decision under 28 U.S.C. § 1291 or under any recognized exception to the final judgment rule. Despite the entry of a clerk's judgment on February 24, 2006 by a district court deputy clerk, the February 23, 2006 Order dismissed only Defendant Kevin Hansen. Plaintiff's claims against *Defendants*

Kenneth Wynn, Larry Lunt, Ted Lewis, Nicholas Hales, Frank Budd, and Mary Ann Mantes remain unresolved in the district court.

Within **30 days** after the above date, counsel must serve and file in this court a copy of a district court order containing a final judgment under Fed. R. Civ. P. 54(b) in compliance with this court's decision in *Stockman's Water Company, LLC v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005). Or, counsel must serve and file a district court order explicitly resolving all claims against all remaining Defendants. *See Lewis v. B. F. Goodrich Co.*, 850 F.2d 641 (10th Cir. 1988), *see also Heimann v. Snead*, 133 F.3d 767, 768-9 (10th Cir. 1998) (dismissal *without prejudice* of claims does not render district court decision on the merits final and appealable under § 1291).

If counsel do not file within **30 days** a district court order containing a final judgment under Fed. R. Civ. P. 54(b) *or* a final dispositive adjudication, this appeal will be dismissed. *See Lewis*, 850 F.2d. at 645-46.

Entered for the Court
Elisabeth A. Shumaker, Clerk

A handwritten signature in black ink, appearing to read "Kathleen T. Clifford". The signature is stylized with a large, looping initial "K" and a long, sweeping underline.

Kathleen T. Clifford
Attorney - Deputy Clerk